

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re: Case No. 18-04122-MCF

DOMINGO RIBOT RUIZ JR Chapter 13

Debtor(s)

DEBTOR'S MOTION FOR RECONSIDERATION OF ORDER DISMISSING CASE

COMES NOW, DEBTOR(S), represented by undersigned counsel, and in support of the instant Motion very respectfully STATES, ALLEGES, and PRAYS as follows:

1. On September 5, 2019 the Chapter 13 Trustee filed a Motion to Dismiss. *See, Dk. #42.*

The Trustee alleged that the Debtor's failure to make certain payments under the proposed Chapter 13 Plan constituted a material default under the Plan. *Id.* As explained herein and for the reasons stated herein the Debtor has cured such arrears. Accordingly, the Debtor respectfully requests reconsideration of the Chapter 13 case.

2. First, the alleged arrears. Since the Trustee's Motion, the Debtor has made over \$3,350.00 in payments. *See, Exhibit A.* As of the date of this filing, the Debtor is actually paid in advance by \$100.00. *See, Exhibit A.* Thus, as is evidenced by the Chapter 13 Trustee's payment history attached hereto as **Exhibit A**, the Debtor has more than cured any alleged arrears with the Trustee.

3. Second, the Debtor notes for this Honorable Court that his arrears were related to a cash-flow liquidity situation with the Debtor's business. The Debtor is in the construction industry and in the immediate aftermath of Hurricane Maria was able to generate business and income to sustain his financial obligations. After that initial upswing in business, however, the Debtor's business relapsed as federal assistance funds (i.e., the second phase of the 'Tu Hogar Renace' HUD Program) for housing

construction became delayed in political turmoil. At first, the Debtor sought to hang on by until the various programs were re-started. After a while, however, it became evident for the Debtor that he needed to seek new business thus the Debtor temporarily relocated to Texas. There, it tookd the Debtor some weeks to generate business and receive payment of such new business; thus, the delayed in payments to the Trustee.

4. Now, however, the Debtor has re-established his financial wherewithal. Hence, the delay in paymens once experience should not and will not continue.

5. For the above reasons, the Debtor respectfully moves this Honorable Court to reconsider the Order Dismissing the Case.

WHEREFORE, Debtor hereby respectfully requests that this Honorable Court grant this Motion as requested.

14 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST, you are hereby notified that you have fourteen (14) days from the date of this notice to file an opposition to the foregoing motion and to request a hearing. If no objection or other response is filed within the prescribed period of time, the Debtors motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If a timely opposition is filed, the court will schedule a hearing as a contested matter.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants, the USA Trustee and the Chapter 7 Trustee.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 4th day of March 2020

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18-04122-MCF	DOMINGO RIBOT RUIZ JR (xxx-xx-2491)	BARRIADA OBRERA • 254 CALL JORGE BIRD DIAZ • FAJARDO • PR • 00738	\$550.00 MO	Bar Date(s):	9/28/2018 (has passed) 1/16/2019 (has passed)
				Confirmed:	Not Confirmed
	Trustee: José R. Carrión	Attorney: JESUS E BATISTA SANCHEZ*			Case Status: PENDING CLOSURE (1/17/2020)

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
8/19/2018	12.00	\$500.00	MONTHLY	DOMINGO RIBOT RUIZ JR	3/6/2019	
8/19/2019	48.00	\$550.00	MONTHLY	DOMINGO RIBOT RUIZ JR	3/6/2019	
8/19/2023	end of plan	\$0.00	MONTHLY	DOMINGO RIBOT RUIZ JR	3/6/2019	

Forgive Information

Date	Amount	Description

Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	8/19/2018	9/18/2018	\$500.00	\$500.00
2	9/19/2018	10/18/2018	\$500.00	\$1,000.00
3	10/19/2018	11/18/2018	\$500.00	\$1,500.00
4	11/19/2018	12/18/2018	\$500.00	\$2,000.00
5	12/19/2018	1/18/2019	\$500.00	\$2,500.00
6	1/19/2019	2/18/2019	\$500.00	\$3,000.00
7	2/19/2019	3/18/2019	\$500.00	\$3,500.00
8	3/19/2019	4/18/2019	\$500.00	\$4,000.00
9	4/19/2019	5/18/2019	\$500.00	\$4,500.00
10	5/19/2019	6/18/2019	\$500.00	\$5,000.00
11	6/19/2019	7/18/2019	\$500.00	\$5,500.00
12	7/19/2019	8/18/2019	\$500.00	\$6,000.00
Total				\$6,000.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	8/19/2019	9/18/2019	\$550.00	\$550.00
2	9/19/2019	10/18/2019	\$550.00	\$1,100.00
3	10/19/2019	11/18/2019	\$550.00	\$1,650.00
4	11/19/2019	12/18/2019	\$550.00	\$2,200.00
Total				\$2,200.00

Payments Expected for Step 3:

Period	Start Date	End Date	Payment Amount Expected	Total
1	8/19/2023	9/18/2023	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	8/2018	\$500.00	\$0.00		\$500.00
2	9/2018	\$500.00	\$0.00		\$1,000.00
3	10/2018	\$500.00	\$500.00		\$1,000.00
4	11/2018	\$500.00	\$0.00		\$1,500.00
5	12/2018	\$500.00	\$0.00		\$2,000.00
6	1/2019	\$500.00	\$1,500.00		\$1,000.00
7	2/2019	\$500.00	\$500.00		\$1,000.00
8	3/2019	\$500.00	\$1,500.00		\$0.00
9	4/2019	\$500.00	(\$1,500.00)		\$2,000.00
10	5/2019	\$500.00	\$900.00		\$1,600.00
11	6/2019	\$500.00	\$1,500.00		\$600.00

12	7/2019	\$500.00	\$1,000.00	\$100.00
13	8/2019	\$550.00	(\$400.00)	\$1,050.00
14	9/2019	\$550.00		\$1,600.00
15	10/2019	\$550.00	\$0.00	\$2,150.00
16	11/2019	\$550.00		\$2,700.00
17	(Closed: 1/20) 12/2019	\$550.00	\$850.00	\$2,400.00
18	(Closed: 1/20) 1/2020		\$1,100.00	\$1,300.00
19	(Closed: 1/20) 2/2020		\$1,400.00	(\$100.00)
20	(Closed: 1/20) 3/2020			(\$100.00)

Total Delinquent Amount: (\$100.00)

